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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,126	07/24/2002	Alain Goux	P22010	3526
7055	7590	06/30/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			SALVATORE, LYNDIA	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/069,126

Applicant(s)

GOUX ET AL.

Examiner

Lynda M. Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 31-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/15/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 04/11/05 have been fully considered and entered. Claim 15 has been amended and claims 34-38 have been withdrawn as requested. Applicant's arguments regarding the obviousness rejections of claims 31-33 set forth in section 4 of the last Office Action are found persuasive. Specifically, the combination of prior art does not teach the addition of polyethylene and/or polyester based powder applied to the adhesive face. As such, said rejection is hereby withdrawn. Applicant's arguments regarding the obviousness rejections of claims 15-30 are not found persuasive of patentability for reasons set forth herein below.

### ***Response to Arguments***

#### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 15-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Riedel et al., US 5,631,073 in view of Ando et al., US 5,334,686 for reasons set forth in section 3 of the last Office Action.

Applicant argues that the combination of prior art fails to explicitly teach the limitation of the fibers being immersed 10µm to .5mm in the adhesive. Applicant argues that the secondary reference of Ando et al., only teaches the thickness of the coating rather than the immersion depth. In response, the Examiner respectfully points out that while the combination of prior art does not explicitly teach the immersion depth of the adhesive, the primary reference of Riedel et

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al., teaches coating a layer of pressure sensitive adhesive onto the surface of an entangled or needled non-woven sheet and further pattern embossing or flat calendaring said non-woven sheet (Column 23, 5-25 and Column 9, 22-25). The secondary reference of Ando et al., teaches an adhesive coating thickness of 50 microns. As such, it is the position of the Examiner that calendaring an adhesive coated porous substrate such as the entangled or needled non-woven fabric as taught by Riedel et al., having an adhesive coating of 50 $\mu$ m thick as taught by Ando et al., would inherently cause the adhesive coating to penetrate to non-woven substrate.

With specific regard to the claimed immersion depth, since Applicant has not set forth a specific type of adhesive composition or limitations pertaining to the type of immersion techniques used to achieve said immersion depth. Absent such limitations, the Examiner asserts that the claimed immersion depth of the fibers in the adhesive limitation would inherently be met upon calendaring the adhesive coated non-woven substrate provided by the combination of prior art. Further, it is the position of the Examiner that it would be obvious to one having ordinary skill in the art to adjust the degree of calendaring exerted upon the adhesive coated non-woven substrate as a function of desired adhesive tackiness and adhesive strength.

Thus, with respect to Applicant's arguments pertaining to the physical property features set forth in claims 18,19,29 and 30, the Examiner maintains that the claimed tearing effort, tear resistance, modulus or elongation, elongation break, adhesive viscosity and unrolling effort are inherent to the invention provided by the combination of Riedel et al., in view of Ando et al.

***Allowable Subject Matter***

4. Claims 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, the prior art does not teach further applying a polyethylene or polyester based powder to the adhesive face. An updated art search produced the closest prior art of Nelson et al., US 5,232,838 which teaches coating a substrate with a water based adhesive and a dusting layer of a cold water soluble powder (Abstract). Nelson et al., however, fails to teach a polyethylene or polyester based powder. Presently, no motivation exists to combine references to form an obviousness type rejection.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482.


The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 27, 2005

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ELIZABETH M. COLE  
PRIMARY EXAMINER